



09 FEB 2007

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In re Application of	:	
CHO	:	DECISION ON RENEWED
Serial No.: 10/560,297	:	
PCT No.: PCT/KR04/01880	:	PETITION UNDER
Int. Filing Date: 26 July 2004	:	
Priority Date: 25 July 2003	:	37 CFR 1.47(b)
Atty Docket No.: 05-429-B	:	
For: METHOD OF ALLOCATING LINKS IN A	:	
1X EVDO SYSTEM	:	

This decision is in response to applicant's "Renewed Petition Under 37 C.F.R. 1.47(b)" filed 26 January 2007 in the United States Patent and Trademark Office (USPTO).

### **BACKGROUND**

On 27 November 2006, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b) to accept the application without the signature of inventor Kye Cheol CHO. Applicant was afforded two months to file a renewed petition under 37 CFR 1.47(b).

On 26 January 2006, applicant filed the renewed petition under 37 CFR 1.47(b).

### **DISCUSSION**

As detailed in the decision mailed 27 November 2006, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1) and (3)-(6).

Regarding item (2), applicant previously provided a statement that various searches were performed in an attempt to locate Mr. Cho. Applicant did not include copies of these results with the initial petition. Applicant has presently filed exhibits to support the contention that applicant has not been able to locate the non-signing inventor despite diligent efforts to do so. Regarding

exhibit 3, applicant has filed pages which explain the services available through the "Korea Information Service Corporation (KOIS)." However, applicant has not included the specific search results which show that KOIS failed to provide new information concerning the whereabouts of Mr. Cho. While applicant has provided an additional exhibit (exhibit 4) with an English translation; it appears that these search results are restricted to e-mail addresses. As such, it is not possible to grant applicant's renewed petition at this time.

### **CONCLUSION**

For the reasons stated above, applicant's petition under 37 CFR 1.47(b) is **DISMISSED**, **without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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